REMARKS

1. Applicant thanks the Examiner for his findings and conclusions.

2. It should be appreciated that Applicant has elected to amend claims 1-10, 12-18, and 23-29 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Hilton Davis / Festo Statement

The amendments herein were not made for any reason related to patentability. As for Claims 1-5, 7-10, 12-18, and 23-29 changes were implemented to comply with standard claim drafting practices. As for Claim 3, an additional change was made to correct a grammatical error. None of the amendments to Claims 1-5, 7-10, 12-18, and 23-29 is related to the pending rejections; these amendments were made for reasons other than patentability.

3. Claims 1, 2, 6, and 10 patent stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,608,874 (hereinafter Ogawa).

As to Claim 1, Applicant respectfully disagrees with the Examiner's construction of the claimed language. The requirement of <u>parsing to identify commercial data</u> is not taught by Ogawa. Ogawa describes PrepServer software in Column 14, lines 30-35 that captures, translates, and forwards data. As claimed, <u>parsing</u> is not to be confused with <u>extracting</u>. The claimed invention performs a step of

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parsing prior to the step of extracting. In stark contrast to Ogawa, the claim is to parsing said electronic correspondence to identify commercial data related to a commercial transaction. Parsing is described in the original application on page 19, lines 4-5 as identifying certain types of correspondence, such as an e-commerce transaction. Parsing to identify a commercial transaction is further described using contrasting terms as parsing to identify news and stock alerts, parsing to identify special offers or rebates, and parsing to confirm airline reservations on page 19, lines 10-17. Thus, the limitation in the claimed invention of parsing to identify commercial data is to a separate task from Ogawa's PrepServer capturing and translating data. Hence, not all of the claim elements of Claim 1 are taught by Ogawa. Accordingly, the rejection of Claim 1 under U.S.C. § 102(b) as being anticipated by Ogawa and all claims dependent therefrom is deemed to be improper.

As to Claim 1, to distinguish the claimed invention from the recited reference more thoroughly, Applicant amends Claim 1 by further characterizing parsing to identify commercial correspondence having commercial data related to a commercial transaction. Support for the amendment is found at least in the application as filed at page 7, lines 16-18, page 19, lines 4-5, and page 19, lines 10-17. In view of the amendment to Claim 1, the rejection under U.S.C. § 102(b) as being anticipated by Ogawa and all claims dependent therefrom is deemed to be overcome.

As to Claim 6, to distinguish the claimed invention from the recited reference more thoroughly, Applicant amends Claim 6 by further characterizing the step of receiving as receiving to a server the electronic correspondence. Further, Applicant adds a step of parsing said electronic correspondence to identify commercial correspondence having commercial data related to a commercial transaction prior to the step of examining. Finally, Applicant clarifies the step of examining as examining the commercial data extracted in the parsing step. The

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amendments clarify the step of parsing to identify commercial data within incoming electronic correspondence as distinct and prior to the step of examining the commercial data to extract data. Support for the amendments is found at least in the application as filed at page 7, lines 16-18; page 19, lines 4-5; page 19, lines 10-17; Claim 1; and in Figure 2. In view of the amendment to Claim 6, the rejection under U.S.C. § 102(b) as being anticipated by Ogawa and all claims dependent therefrom is deemed to be overcome.

4.   Claims 12, 13, 15, 17, 18, 23, and 29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,732,102 (hereinafter Khandekar).

As to Claim 12, Applicant respectfully disagree. Khandekar describes a server receiving requests from the client computer. In stark contrast, the claimed invention is to a server receiving electronic correspondence. Correspondence requires more than a request. Hence, Khandekar does not describe the step of receiving electronic correspondence. In addition, the requirement of parsing said electronic correspondence to identify data content is not taught by Khandekar. Respectfully, Applicant disagrees with the Examiner's construction of the claimed invention. Khandekar describes a system for extracting data from XML data into tabular format. While the invention preferably performs a step of extracting, the claimed invention uses program code for parsing prior to the use of additional program code for extracting. The contextual use of parsing in the claim does not refer to extracting as described by Khandekar. In stark contrast, the claim is to parsing said electronic correspondence to identify data content. Parsing is described in the original application on page 19, lines 4-5 as identifying certain types of correspondence, such as an e-commerce transaction. Parsing to identify a commercial transaction is further described using contrasting terms as parsing to identify news and stock alerts, parsing to identify special offers or rebates, and parsing to confirm airline reservations on page 19, lines 10-17.

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Thus, the limitation in the claimed invention of <u>parsing to identify data content</u> is distinct from Khandekar description of extracting data into a table. Therefore, Khandekar does not teach or describe the step of receiving electronic correspondence, nor does Khandekar teach or describe the limitation of parsing said electronic correspondence to identify data content. Accordingly, the rejection under 35 U.S.C. § 102(e) as being anticipated by Khandekar and to all claims dependent therefrom is deemed to be improper.

As to Claim 12, to distinguish the claimed invention from the recited reference more thoroughly, Applicant amends Claim 12 by further characterizing the electronic correspondence as <u>electronic commerce correspondence</u>. Support for the amendment is found at least on page 7, lines 18-20; page 8, lines 8-10; and page 11, line 8. Khandekar describes a server as only receiving requests from the client. Khandekar does not describe a server as receiving electronic commerce correspondence. Thus, Khandekar does not describe every limitation of Claim 12. Accordingly, the rejection under 35 U.S.C. § 102(e) as being anticipated by Khandekar and to all claims dependent therefrom is deemed to be overcome.

To distinguish the claimed invention from the recited reference more thoroughly, Applicant further amends Claim 12 by characterizing the server receiving data as a <u>server receiving incoming electronic commerce correspondence to the user</u>. Support for the amendment is found in the application as filed at least on page 7, line 19; page 11, line 8; page 11, line 13; and in Figures 2-5. Khandekar describes a server receiving requests from the client computer. In stark contrast, as amended the <u>server receives incoming electronic commerce to the user</u>. Hence, Khandekar does not describe every limitation of Claim 12. Accordingly, the rejection under 35 U.S.C. § 102(e) as being anticipated by Khandekar and to all claims dependent therefrom is deemed to be overcome.

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To still further distinguish the claimed invention from the recited reference, Applicant further amends Claim 12 by characterizing the database having data records as a central database having data records. Support for the amendment is found in the application as filed at least on page 6, line 5; page 6, lines 10-11; and page 6, line 20. The Examiner characterizes the database used in Khandekar as the internet. In stark contrast, as amended the database of the claimed invention is central. The internet as a database is widely distributed by definition and thus is distinct from the claimed central database. Hence, Khandekar does not describe every limitation of Claim 12. Accordingly, the rejection under 35 U.S.C. § 102(e) as being anticipated by Khandekar and to all claims dependent therefrom is deemed to be overcome.

As to Claim 23, Applicant respectfully disagree. Khandekar describes a server receiving requests from the client computer. In stark contrast, the claimed invention is to a server receiving electronic correspondence. By definition, correspondence requires more than a request. Hence, Khandekar does not describe the step of receiving electronic correspondence. Accordingly, the rejection under 35 U.S.C. § 102(e) as being anticipated by Khandekar and to all claims dependent therefrom is deemed to be improper.

To distinguish the claimed invention from the recited reference more thoroughly, applicant amends Claim 23 by characterizing the database of data records as a central database of data records. Support for the amendment is found in the application as filed at least on page 6, lines 5, 10-11, and 20. The Examiner characterizes the database used in Khandekar as the internet. In stark contrast, as amended the database of the claimed invention is central. By definition, the internet as a database is widely distributed and thus is distinct from the claimed central database. Hence, Khandekar does not describe every limitation of Claim 23. Accordingly, the rejection under 35 U.S.C. § 102(e) as being anticipated by Khandekar and to all claims dependent therefrom is deemed to be overcome.

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To still further distinguish the claimed invention from the recited reference, Applicant further amends Claim 23 by characterizing the step of receiving electronic correspondence as <u>receiving incoming electronic correspondence</u>. Support for the amendment is found in the application as filed at least on page 7, line 19; page 11, line 8; page 11, line 13; and in Figures 2-5. Khandekar describes a server receiving requests from the client computer. In stark contrast, as amended the <u>server receives incoming electronic correspondence</u>. Hence, Khandekar does not describe every limitation of Claim 23. Accordingly, the rejection under 35 U.S.C. § 102(e) as being anticipated by Khandekar and to all claims dependent therefrom is deemed to be overcome.

5.   Claims 9 and 26 stand rejected under 35 U.S.C. §. 103(a) as being unpatentable over Ogawa in view of U.S. patent no. Khandekar.

In view of the above described differences to parent Claims 1 and 23 and further in view of the amendments to parent Claims 1 and 23, the current rejection is rendered moot.

6.   Claims 3, 7, 8, 24, 25, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of U.S. patent no. 6,694,307 (hereinafter Julien).

In view of the above described differences to parent Claims 1 and 23 and further in view of the amendments to parent Claims 1, 6, and 23, the current rejection is rendered moot.

7.   Claims 4, 5, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Julien in view of U.S. patent no. 6,088,700 (hereinafter Larsen).

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In view of the above described differences to independent Claims 1 and 12 and further in view of the amendments to independent Claims 1 and 12, the current rejection is rendered moot.

8.   Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Khandekar in view of Larsen.

In view of the above mentioned amendment to parent Claim 6, the current rejection is rendered moot.

9.   Claims 14 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Khandekar in view of Kramer.

In view of the above described differences to independent Claims 12 and 23 and further in view of the above described amendments to parent Claims 12 and 23, the current rejection is rendered moot.

10.   Claims 1-10, 12-18 and 23-29 are amended to comply with standard claim drafting practices.
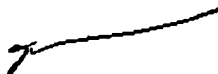
11.   Claim 3 is amended to correct a grammatical error.

12.   New Claims 34 and 35 are added to the application. Support for the new claims is found in original Claims 12 and 23 and in the application as filed on page 6 at lines 5, 10-11, and 20. Applicant certifies that no new matter was added by way of the new claims.

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CONCLUSIONS

In view of the above, this application is deemed to be in allowable condition. The Examiner is therefore earnestly requested to withdraw all outstanding rejections, allowing the application to pass to issue as a United States Patent. The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 07-1445. Should the Examiner have any questions regarding the application, he is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,

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